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Message Text

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63
ORIGIN COA-02

INFO OCT-01 ARA-16 EUR-25 EA-11 ISO-00 DLOS-07 IO-14

CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 USIA-15 EB-11 COME-00

INT-08 CG-00 DOTE-00 FMC-04 /174 R

DRAFTED BY S/FW-COA:LNSCHOWENGERDT:SL
APPROVED BY S/FW-COA:WLSULLIVAN
L/OES-MR. OXMAN(SUB)
D/LOS-MR. MOORE(SUB)
EUR/CAN-MR. KRUSE(SUB)
EUR/CE-MR. BECHER(SUB)
---------- 010629
P 132141Z SEP 74
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA PRIORITY
AMEMBASSY COPENHAGEN PRIORITY
AMEMBASSY BONN PRIORITY
USMISSION BERLIN PRIORITY
AMEMBASSY HELSINKI PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY ATHENS PRIORITY
AMEMBASSY REYKJAVIK PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY SEOUL PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY OSLO PRIORITY
AMEMBASSY SOFIA PRIORITY
AMEMBASSY WARSAW PRIORITY
AMEMBASSY LISBON PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY BUCHAREST PRIORITY
AMEMBASSY MOSCOW PRIORITY
AMEMBASSY CARACAS PRIORITY
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E.O. 11652: NA
TAGS: EFIS PLOS XN US XP XL
SUBJECT: NEW ENFORCEMENT GUIDELINES ON US RIGHTS TO LIVING RESOURCES
OF THE CONTINENTAL SHELF

1. CIRCULAR NOTE DATED SEPT 5, DISTRIBUTED SEPT 11, IS QUOTED BELOW. NOTE SENT TO TWENTY-ONE NATIONS; ADDRESSEES

OF THIS CABLE PLUS CUBA.

2. FOR BERLIN. PLEASE DELIVER TO APPROPRIATE GDR OFFICIALS. CLASS AS A NON PAPER. ELIMINATE COMPLIMENTARY OPENING.
3. SEPTEL TODAY WILL PROVIDE ADDITIONAL INFO.

4. FOR OTTAWA. ADDITIONAL NOTE TO CANADA SENT SEPTEL TODAY.

5. TEXT OF NOTE: QUOTE THE SECRETARY OF STATE PRESENTS HIS COMPLIMENTS TO THEIR EXCELLENCIES AND MESSIEURS THE CHIEFS OF MISSION OF THE GOVERNMENTS WHOSE FISHERMEN HAVE BEEN KNOWN TO OR CURRENTLY DO FISH IN THE WATERS ADJACENT TO THE COASTS OF THE UNITED STATES OF AMERICA, AND HAS THE HONOR TO INFORM THE CHIEFS OF MISSION OF NEW GUIDELINES FOR THE ENFORCEMENT OF THE RIGHTS OF THE UNITED STATES TO THE LIVING RESOURCES OF THE CONTINENTAL SHELF.

PURSUANT TO THE CONVENTION ON THE CONTINENTAL SHELF AND INTERNATIONAL LAW, THE UNITED STATES EXERCISES EXCLUSIVE SOVEREIGN RIGHTS FOR THE PURPOSES OF EXPLORATION AND EXPLOITATION OF THE LIVING RESOURCES OF ITS CONTINENTAL SHELF. THESE RIGHTS HAVE BEEN IMPLEMENTED BY DOMESTIC LEGISLATION.

ANY VESSEL TAKING CONTINENTAL SHELF FISHERY RESOURCES OF THE UNITED STATES WILL BE SUBJECT TO ARREST AND SEIZURE, EXCEPT AS PROVIDED BY THE UNITED STATES IN BILATERAL
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AGREEMENTS. FOR THE PURPOSE OF DETERMINING WHETHER SUCH A TAKING HAS OCCURRED, VESSELS MAY BE BOARDED WHEN ENGAGING IN EITHER OF THE FOLLOWING ACTS:

(A) FISHING WITH GEAR WHICH IS DESIGNED SPECIFICALLY TO CATCH CONTINENTAL SHELF FISHERY RESOURCES OF THE UNITED STATES, OR

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(B) FISHING WITH BOTTOM GEAR (INCLUDING BOTTOM TRAWLING GEAR) WHICH WOULD NORMALLY RESULT IN THE CATCH OF CONTINENTAL SHELF FISHERY RESOURCES OF THE UNITED STATES, EXCEPT WHERE THE PROCEDURES USED ARE DESIGNED TO REDUCE AND CONTROL SUCH INCIDENTAL CATCH PURSUANT TO AN AGREEMENT WITH THE UNITED STATES.

IN THOSE INSTANCES WHERE THE TAKING OF CONTINENTAL SHELF FISHERY RESOURCES DOES NOT RESULT IN A SUBSTANTIAL CATCH AND SUCH TAKING DOES NOT APPEAR TO BE DELIBERATE OR REPEATED, A WARNING WILL NORMALLY BE GIVEN. IN ANY EVENT, FISHERMEN ARE EXPECTED TO RETURN TO THE SEA IMMEDIATELY ANY CONTINENTAL SHELF FISHERY RESOURCES WHICH MAY BE TAKEN INCIDENTALLY IN THE COURSE OF DIRECTED FISHERIES FOR OTHER

SPECIES. FISHERMEN WHO ENCOUNTER CONCENTRATIONS OF CONTINENTAL SHELF FISHERY RESOURCES IN THE COURSE OF THEIR FISHING OPERATIONS SHOULD TAKE IMMEDIATE STEPS TO AVOID SUCH CONCENTRATIONS IN FUTURE TOWS.

TO FACILITATE THE TRANSITION IN FISHING METHODS REQUIRED BY THESE PROCEDURES, UNITED STATES ENFORCEMENT OFFICERS WILL ACT WITH DISCRETION DURING A SHORT PERIOD TO ALLOW FISHERMEN OPERATING IN THE REGION TO BECOME FAMILIAR WITH THESE PROCEDURES.

THE BOARDING AND WHERE APPROPRIATE THE ARREST OF ANY VESSEL

PURSUANT TO THESE PROCEDURES SHALL BE IN STRICT CONFORMITY WITH THE ABOVE.

THE EFFECTIVE DATE OF THESE NEW PROCEDURES WILL BE DECEMBER 5, 1974.
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THE UNITED STATES GOVERNMENT IS PREPARED TO ENTER INTO NEGOTIATIONS WITH ANY GOVERNMENT FOR THE PURPOSE OF ESTABLISHING PROCEDURES DESIGNED TO REDUCE AND CONTROL THE INCIDENTAL CATCH OF CONTINENTAL SHELF FISHERY RESOURCES OF THE UNITED STATES BY FISHERMEN USING BOTTOM GEAR (INCLUDING BOTTOM TRAWLING GEAR).

THE SECRETARY OF STATE WOULD BE GRATEFUL IF EACH CHIEF OF MISSION WOULD FORWARD THIS INFORMATION TO HIS GOVERNMENT.
KISSINGER

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TAGS: EFIS, PLOS, US, XN, XL, XP
To: OTTAWA MULTIPLE
Type: TE
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